

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/819,459

Conf. No.: 3433

Filing Date: 03/28/2001

Art Unit: 3692

Applicant: Ueno et al.

Examiner: Nguyen, Nga B.

Title: DATA TRANSFER SYSTEM USING
MOBILE TERMINAL AND
TWO-DIMENSIONAL BARCODE

Docket No.: JP920000380US1
(IBM-0013)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF OF APPELLANT

This is an appeal from the Final Rejection (Office Action) dated December 3, 2007, rejecting claims 1-28. The requisite fee set forth in 37 C.F.R. §1.17 (c) was submitted on March 3, 2008.

REAL PARTY IN INTEREST

International Business Machines Corporation is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There is no related appeal or interference.

STATUS OF CLAIMS

As filed, this case included claims 1-28. Claims 1-28 remain pending, stand rejected, and form the basis of this appeal. No claim has been allowed. The rejections of claims 1-28 are being appealed.

STATUS OF AMENDMENTS

No after-final amendment of claims was proposed following the Final Rejection of December 3, 2007.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 provides a processing system (FIG. 1) comprising: a data management server (30) for storing registration information about a customer (customer DB 37), the registration information linked to a financial account of the customer with an external financial institution (page 22, lines 9-15); a customer communication terminal (34) adapted for data communication with said data management server and for outputting information for identifying a customer (page 21, line 18 to page 22, line 2); and a process execution terminal (20/25) for receiving said information for identifying the customer from said customer communication terminal and executing a process for said customer, wherein: said process execution terminal provides said information to said data management server when receiving said information for identifying the customer (page 21, lines 6-13); said data management server identifies the customer based on said information provided from said process execution terminal (page 24, lines

3-5), generates reply information based on said registration information about said customer, the reply information indicating an approval of payment from the financial account (page 25, line 18 to page 26, line 5), and provides said reply information to said process execution terminal (page 26, lines 5-13); and said process execution terminal executes a process for said customer based on said reply information when receiving said reply information (page 26, line 14 to page 27, line 7); wherein the information for identifying the customer and the registration information about the customer is associated with each other only at the data management server, the data management server being different than the process execution terminal that receives the information for identifying the customer (see FIG. 1, server 30 vs. store 20/server 25).

Independent claim 6 provides a processing system (FIG. 1) comprising: a data management server (30) for associating an identification code identifying a customer with registration information registered for said customer, the registration information linked to a financial account of the customer with an external financial institution (page 30, lines 4-14), and sending mark data representing said identification code to a customer communication terminal (10 of FIG. 6) (page 31, lines 5-10); and a process execution terminal (20/25) adapted for data communication with said data management server, said process execution terminal having a mark reader (22) for reading a mark displayed on the display of said customer communication terminal based on said mark data, and executing a process for said customer based on said read mark data, wherein: said process execution terminal sends said mark data read by said mark reader to said data management server (page 33, lines 2-8; page 21, lines 6-13); said data management server identifies said registration information associated with said

identification code based on said mark data sent from said process execution terminal, generates instruction information indicating a process to be performed for said customer based on said registration information, and sends said instruction information to said process execution terminal (page 31, line 11 to page 32, line 8); and said process execution terminal, which receives said instruction information, executes the process for the customer based on said instruction information; wherein the identification code and the registration information is associated with each other only at the data management server (see FIG. 1, server 30 vs. store 20/server 25).

Independent claim 11 provides a server (30) comprising: data storage (37) for associating an identification code identifying a customer with registration information registered for said customer, the registration information linked to a financial account of the customer with an external financial institution, and storing said identification code and said registration information (page 22, lines 9-15; page 30, lines 4-14); a customer communication section (34) capable of data communication with a customer communication terminal (10); and a code issuing section (31) for sending said identification code to said customer communication terminal through said customer communication section in response to a received request (page 31, lines 5-10); wherein the identification code and the registration information is associated with each other only at the data storage of the server (see FIG. 1, server 30 vs. store 20/server 25).

Independent claim 17 provides a processing terminal (21/25) comprising: a code receiver (22) for receiving an identification code, output from a communications terminal of a customer, for identifying said customer (page 33, lines 2-8; page 21, lines 6-13); and process information output logic for inquiring of an external server about said

identification code received by said code receiver, the identification code to be linked to a financial account of the customer with an external financial institution at the external server (page 35, lines 12-18), and outputting process information for said customer based on a reply from said external server about said identification code, the reply information indicating an approval of payment from the financial account (page 36, lines 1-6); wherein the identification code is associated with registration information about the customer only at the external server (see FIG. 1, server 30 vs. store 20/server 25).

Independent claim 21 provides a communication terminal (10) comprising: a display (12) for displaying an image; a communicator capable of accessing an external server (page 20, lines 16-18); a code issue requester for accessing an external server through said communicator and requesting said external server to issue a process code (page 30, lines 8-10); and a display controller for causing said display to display said process code in two-dimensional barcode form, wherein said process code is issued from said external server and received through said communicator (page 30, lines 8-14); wherein the external server issues the process code by associating information for identifying a customer using the communication terminal with registration information about the customer, the registration information linked to a financial account of the customer with an external financial institution, and wherein the information for identifying the customer and the registration information is associated with each other only at the external server (page 30, lines 4-14; see FIG. 1, server 30 vs. store 20/server 25).

Independent claim 24 provides a processing method performed when requested by a customer who registers registration information in a data management server to perform a predetermined process, the method comprising the steps of: transferring an

identification code generated by said data management server for said customer to a terminal held by said customer (page 31, lines 5-10); communicating said identification code from said terminal held by said customer to a process execution terminal (page 33, lines 2-8; page 21, lines 6-13); sending an inquiry about said identification code from said process execution terminal to said data management server, the identification code to be linked to a financial account of the customer with an external financial institution at the data management server (page 35, lines 12-18); generating instruction information for indicating a process to be performed for said customer based on said registration information associated in said data management server with said identification code and communicating said instruction information to said process execution terminal, the instruction information indicating an approval of payment from the financial account (page 36, lines 1-6); and executing a process in said process execution terminal based on said communicated instruction information; wherein the identification code and the registration information is associated with each other only at the data management server, the data management server being different than the process execution terminal that receives the identification code (page 22, lines 9-15; see FIG. 1, server 30 vs. store 20/server 25).

Independent claim 25 provides a data management method comprising the steps of: receiving and storing registration information about a customer, the registration information linked to a financial account of the customer with an external financial institution (page 22, lines 9-15); issuing an identification code identifying said customer, associating said identification code with said registration information only at a data management server, and sending said issued identification code to said customer when

requested by said customer (page 30, lines 4-14, page 31, lines 5-10; see FIG. 1, server 30 vs. store 20/server 25); and identifying said registration information associated with said identification code, generating reply information based on said registration information, the reply information indicating an approval of payment from the financial account, and sending said reply information to a process execution terminal when said identification code is provided by said process execution terminal, the process execution terminal being different than the data management server (page 33, lines 2-8; page 21, lines 6-13; page 31, lines 10-12).

Independent claim 26 provides a process execution method comprising the steps of: receiving an identification code output by a communications terminal of a customer, said identification code identifying said customer (page 33, lines 2-8; page 21, lines 6-13); and inquiring of an external entity about said identification code, the identification code to be linked to a financial account of the customer with an external financial institution at the external entity, and outputting process information for said customer based on a reply (page 35, lines 12-18), the reply information indicating an approval of payment from the financial account, from said external entity about said identification code (page 36, lines 1-6); wherein the identification code is associated with registration information about the customer only at the external entity (see FIG. 1, server 30 vs. store 20/server 25).

Independent claim 27 provides a program product executable on a computer for causing the computer to perform the steps of: receiving registration information about a customer and storing said registration information, the registration information linked to a financial account of the customer with an external financial institution (page 22, lines

9-15); in response to a request received from said customer, issuing an identification code identifying said customer and associating said identification code with said registration information; sending said issued identification code to said customer (page 30, lines 8-14); identifying said registration information associated with said identification code only at the computer and generating reply information based on said registration information, the reply information indicating an approval of payment from the financial account, when said identification code is communicated from a process execution terminal, the process execution terminal being different than the computer (page 33, lines 2-8; page 21, lines 6-13; page 31, lines 10-12); and sending said reply information to said process execution terminal (steps 122, 123 of FIG. 4).

Independent claim 28 provides a program product executable on a computer for causing the computer to perform the steps of: receiving an identification code output by a communication terminal of a customer, said identification code identifying said customer (page 33, lines 2-8; page 21, lines 6-13); and inquiring of an external entity about said identification code, the identification code to be linked to a financial account of the customer with an external financial institution at the external entity, and outputting process information for said customer based on a reply from said external entity about said identification code, the reply information indicating an approval of payment from the financial account (page 35, lines 12-18; page 36, lines 1-6); wherein the external entity issues the reply by associating the identification code with registration information about the customer, and wherein the identification code and the registration information is associated with each other only at the external entity (page 30, lines 4-14; see FIG. 1, server 30 vs. store 20/server 25).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-6, 8-9, 11-18, 20-21 and 24-28 are anticipated under 35 U.S.C. 102(e) by Webb et al. (USPN 6,877,661), hereinafter "Webb",.
2. Whether claims 7, 10, 19 and 22-23 are obvious under 35 U.S.C. 103(a) over Webb.

ARGUMENTS

1. Claims 1-6, 8-9, 11-18, 20-21 and 24-28 are not anticipated under 35 U.S.C. 102(e) by Webb.

Appellants initially note that Webb does not qualify as a prior art reference by itself because it was filed later than the current application. The current application claims foreign priority to Japanese application number 2000_384420, which was filed on 12/18/2000. The Examiner provided Provisional Application No. 60/225,805 (hereinafter "Provisional Application") to claim a priority date of August 16, 2000 for Webb. Appellants therefore submit that only the disclosure of Webb that is supported by Provisional Application can qualify as a prior art reference against the current application.

To this extent, Appellants submit that the qualified disclosure of Webb does not disclose the claimed invention. With respect to independent claims 1, 6, 11, 17, 21, and 24-28, the claimed invention includes, *inter alia*, "the registration information linked to a financial account of the customer with an external financial institution[.]" (Claim 1, similarly claimed in claims 6, 11, 17, 21, and 24-28). Webb discloses a method for

scanning a LCD display of symbolic information such as barcodes. (Col. 2, lines 53-55). In the exemplary system 300, Webb only discloses registration of coupon information with a store where the coupon is to be used. The registered coupon information is not a financial account. In addition, in Webb, the coupon information is registered between a customer and a store such that the coupon registration is not "with an external financial institution". Note that in the claimed invention, the external financial institution is external to the customer and the store (see FIG. 1, store 20 vs. credit card company 40A-40E).

Webb discloses that the coupon redemption may be processed "as if the manufacturer or other coupon issuer has a specialized credit card to be used in the redemption of electronic coupons." (Col. 13, lines 10-13). However, being processed in the redemption of the coupon as if a coupon issuer has a specialized credit card is different than a financial account of a customer (in Webb, the coupon holder). In addition, Webb only discloses that the processing of a coupon redemption is similar to a specialized credit card but does not disclose that a credit card account of the customer is linked to the registration of the coupon.

In the Office Action, the Examiner cites various disclosures of Webb that peripherally suggest the use of Webb in the field of financial transactions. (Office Action at pages 2-3). However, all of the cited disclosures of Webb are not supported by the Provisional Application and are not qualified as a prior art reference. The Provisional Application only discloses a scannable dynamic barcode in "the generation, distribution, storage and redemption of wireless coupons for use by in-store consumers carrying mobile devices." (Provisional Application at page 8). In the comprehensive and very

exclusive list of alternatives (section 1.3, beginning at page 11 of Provisional Application), the Provisional Application only peripherally mentions that “the central data center transmits a signal to register that is equivalent to cash” in the amount being redeemed, which is the same as the signal provided by a credit company for clearing a credit card transaction. (Provisional Application at pages 11-12, section 1.3.2). The Provisional Application does not disclose that “the registration information [is] linked to a financial account of the customer with an external financial institution” (claim 1 of the claimed invention). The Examiner asserts that Provisional Application discloses that “the signal from phone to register is equivalent to affinity program identification number such as grocery store frequent shopper card.” (Provisional Application at page 13, lines 8-9, cited in Advisory Action of 2/25/08). However, the “signal equivalent to affinity program identification number” does not mean that the Provisional Application includes a financial account of the customer with an external financial institute. Note that the Provisional Application specifically discloses that the identification number equivalent signal still links to the coupon storage account of customers, not a financial account with an external financial institute. (Provisional Application at page 13, lines 9-11). In section 5, the Provisional Application discloses the potential use of the wireless handheld device in other membership programs, but the wireless device is only used to recognize the device holder as a member of the membership program, but is not linked to a financial account of the customer with an external financial institution. In view of the foregoing, the Provisional Application does not support the cited disclosures of Webb (e.g., Office Action at pages 2-3), which disqualifies the cited disclosures as a

prior art reference. The qualified disclosure of Webb does not disclose or suggest the claimed limitations of the current invention.

In addition, even the cited disclosure only peripherally suggests that the Webb disclosure may be used in credit card transaction. The peripheral mentioning of a credit card in Webb does not disclose sufficiently to enable an implementation of the claimed invention.

In view of the foregoing, Appellants respectfully request reversal of the final rejection.

2. Claims 7, 10, 19 and 22-23 are not obvious under 35 U.S.C. 103(a) over Webb.

The above arguments also applied to claims 7, 10, 19 and 22-23. In addition, the qualified disclosure of Webb does not suggest a modification of Webb in a manner to teach the claimed invention as represented in claims 7, 10, 19 and 22-23. In view of the foregoing, Appellants respectfully request reversal of the final rejection.

In view of the foregoing, Appellants submit that the final rejection is defective,
and should be reversed.

Respectfully submitted,

/Jianping Zhang/

Jianping Zhang
Reg. No. L414

Dated: 5/2/08

Hoffman, Warnick & D'Alessandro LLC
75 State Street 14th Floor
Albany, NY 12207
Telephone: (518) 449-0044
Fax: (518) 449-0047

CLAIMS APPENDIX

1. A processing system comprising:

a data management server for storing registration information about a customer, the registration information linked to a financial account of the customer with an external financial institution;

a customer communication terminal adapted for data communication with said data management server and for outputting information for identifying a customer; and

a process execution terminal for receiving said information for identifying the customer from said customer communication terminal and executing a process for said customer, wherein:

said process execution terminal provides said information to said data management server when receiving said information for identifying the customer;

said data management server identifies the customer based on said information provided from said process execution terminal, generates reply information based on said registration information about said customer, the reply information indicating an approval of payment from the financial account, and provides said reply information to said process execution terminal; and

said process execution terminal executes a process for said customer based on said reply information when receiving said reply information;

wherein the information for identifying the customer and the registration information about the customer is associated with each other only at the data

management server, the data management server being different than the process execution terminal that receives the information for identifying the customer.

2. The processing system according to claim 1, wherein:

said data management server sends said information for identifying the customer to said customer communication terminal when said customer communication terminal accesses said data management server; and

said customer communication terminal receives said information sent from said data management server and outputs said information to said process execution terminal.

3. The processing system according to claim 1, wherein said data management server inquires to an external credit institution about a credit card number for payment and provides information obtained from said external credit institution as said reply information if said registration information is the number of a card for payment.

4. The processing system according to claim 1, wherein said data management server communicates an amount billed included in said registration information as said reply information if said registration information is information about billing issued to said customer.

5. The processing system according to claim 1, wherein:

said data management server determines whether an admission ticket is valid or not and provides the determination as said reply information, if said registration information is information about said admission ticket; and

said process execution terminal outputs information indicating whether said customer is granted admittance or not based on said reply information from said data management server.

6. A processing system comprising:

a data management server for associating an identification code identifying a customer with registration information registered for said customer, the registration information linked to a financial account of the customer with an external financial institution, and sending mark data representing said identification code to a customer communication terminal; and

a process execution terminal adapted for data communication with said data management server, said process execution terminal having a mark reader for reading a mark displayed on the display of said customer communication terminal based on said mark data, and executing a process for said customer based on said read mark data, wherein:

said process execution terminal sends said mark data read by said mark reader to said data management server;

said data management server identifies said registration information associated with said identification code based on said mark data sent from said process execution terminal, generates instruction information indicating a process to be performed for said

customer based on said registration information, and sends said instruction information to said process execution terminal; and

said process execution terminal, which receives said instruction information, executes the process for the customer based on said instruction information;

wherein the identification code and the registration information is associated with each other only at the data management server.

7. The processing system according to claim 6, wherein said mark is a two-dimensional barcode.

8. The processing system according to claim 6, wherein said mark data sent to said customer communication terminal from said data management server is invalidated after the completion of the process in said process execution terminal.

9. The processing system according to claim 6, wherein said data management server sets information different from a payment card number held by said customer or an account number of said customer as said identification code.

10. The processing system according to claim 9, wherein said data management server sets a telephone number of said customer communication terminal as said identification code.

11. A server comprising:

data storage for associating an identification code identifying a customer with registration information registered for said customer, the registration information linked to a financial account of the customer with an external financial institution, and storing said identification code and said registration information;

a customer communication section capable of data communication with a customer communication terminal; and

a code issuing section for sending said identification code to said customer communication terminal through said customer communication section in response to a received request;

wherein the identification code and the registration information is associated with each other only at the data storage of the server.

12. The server according to claim 11, wherein said code issuing section sends said identification code in barcode data form.

13. The server according to claim 11, wherein:

said data storage associates a password set by said customer with said identification code and stores said password and said identification code; and

said code issuing section verifies whether a password, input from said customer communication terminal, matches said password stored in said data storage, and issues said identification code.

14. The server according to claim 11, further comprising:

a process executer communication section capable of data communication with a process execution terminal for execution of a process requested by said customer; and

an instruction information issuing section for generating instruction information indicating the process to be performed by said process execution terminal for said customer based on said registration information associated with said identification code when receiving said identification code issued by said code issuing section through said process executer communication section from said process execution terminal, and providing said instruction information to said process execution terminal through said process executer communication section.

15. The server according to claim 14, wherein:

said data storage stores as said registration information a number of membership points held by said customer;

said instruction information issuing section informs a process execution terminal of the number of membership points as said instruction information when receiving said identification code and stores a new number of membership points in said data storage when receiving a new number of membership points changed from said number of membership points from said process execution terminal.

16. The server according to claim 15, further comprising a process confirmation section for confirming whether a process requested by said process execution terminal should be performed or not with said customer communication terminal before said

instruction information issuing section provides said instruction information to said process execution terminal.

17. A processing terminal comprising:

a code receiver for receiving an identification code, output from a communications terminal of a customer, for identifying said customer; and
process information output logic for inquiring of an external server about said identification code received by said code receiver, the identification code to be linked to a financial account of the customer with an external financial institution at the external server, and outputting process information for said customer based on a reply from said external server about said identification code, the reply information indicating an approval of payment from the financial account;

wherein the identification code is associated with registration information about the customer only at the external server.

18. The processing terminal according to claim 17, wherein said code receiver receives said identification code data from said customer communications terminal by a wireless communication.

19. The processing terminal according to claim 17, wherein said code receiver comprises a barcode reader for reading a two-dimensional barcode displayed on the display of said customer communications terminal.

20. The processing terminal according to claim 17, wherein said process information output logic displays an amount claimed from said customer based on a reply provided by said external server about said identification code.

21. A communication terminal comprising:

- a display for displaying an image;

- a communicator capable of accessing an external server;

- a code issue requester for accessing an external server through said communicator and requesting said external server to issue a process code; and

- a display controller for causing said display to display said process code in two-dimensional barcode form, wherein said process code is issued from said external server and received through said communicator;

- wherein the external server issues the process code by associating information for identifying a customer using the communication terminal with registration information about the customer, the registration information linked to a financial account of the customer with an external financial institution, and wherein the information for identifying the customer and the registration information is associated with each other only at the external server.

22. The communications terminal according to claim 21, wherein said two-dimensional barcode displayed on said display is associated with information on billing issued to a customer holding said communications terminal.

23. The communications terminal according to claim 21, wherein said two-dimensional barcode displayed on said display includes data for an admission ticket.

24. A processing method performed when requested by a customer who registers registration information in a data management server to perform a predetermined process, the method comprising the steps of:

transferring an identification code generated by said data management server for said customer to a terminal held by said customer;

communicating said identification code from said terminal held by said customer to a process execution terminal;

sending an inquiry about said identification code from said process execution terminal to said data management server, the identification code to be linked to a financial account of the customer with an external financial institution at the data management server;

generating instruction information for indicating a process to be performed for said customer based on said registration information associated in said data management server with said identification code and communicating said instruction information to said process execution terminal, the instruction information indicating an approval of payment from the financial account; and

executing a process in said process execution terminal based on said communicated instruction information;

wherein the identification code and the registration information is associated with each other only at the data management server, the data management server being different than the process execution terminal that receives the identification code.

25. A data management method comprising the steps of:

receiving and storing registration information about a customer, the registration information linked to a financial account of the customer with an external financial institution;

issuing an identification code identifying said customer, associating said identification code with said registration information only at a data management server, and sending said issued identification code to said customer when requested by said customer; and

identifying said registration information associated with said identification code, generating reply information based on said registration information, the reply information indicating an approval of payment from the financial account, and sending said reply information to a process execution terminal when said identification code is provided by said process execution terminal, the process execution terminal being different than the data management server.

26. A process execution method comprising the steps of:

receiving an identification code output by a communications terminal of a customer, said identification code identifying said customer; and

inquiring of an external entity about said identification code, the identification code to be linked to a financial account of the customer with an external financial institution at the external entity, and outputting process information for said customer based on a reply, the reply information indicating an approval of payment from the financial account, from said external entity about said identification code;

wherein the identification code is associated with registration information about the customer only at the external entity.

27. A program product executable on a computer for causing the computer to perform the steps of:

receiving registration information about a customer and storing said registration information, the registration information linked to a financial account of the customer with an external financial institution;

in response to a request received from said customer, issuing an identification code identifying said customer and associating said identification code with said registration information;

sending said issued identification code to said customer;

identifying said registration information associated with said identification code only at the computer and generating reply information based on said registration information, the reply information indicating an approval of payment from the financial account, when said identification code is communicated from a process execution terminal, the process execution terminal being different than the computer; and

sending said reply information to said process execution terminal.

28. A program product executable on a computer for causing the computer to perform the steps of:

receiving an identification code output by a communication terminal of a customer, said identification code identifying said customer; and

inquiring of an external entity about said identification code, the identification code to be linked to a financial account of the customer with an external financial institution at the external entity, and outputting process information for said customer based on a reply from said external entity about said identification code, the reply information indicating an approval of payment from the financial account;

wherein the external entity issues the reply by associating the identification code with registration information about the customer, and wherein the identification code and the registration information is associated with each other only at the external entity.

EVIDENCE APPENDIX

There is no evidence submitted.

RELATED PROCEEDINGS APPENDIX

There is no related proceeding.

CERTIFICATE OF SERVICES

There is no other party to this appeal proceeding.